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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,956	12/20/2000	Robert L. Baldino	78990DMW	8705.

7590 06/02/2005
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER

SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,956

Applicant(s)

BALDINO, ROBERT L.

Examiner

Steven P Sax

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-9,11,13-20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-9,11,13-20,22 and 23 is/are allowed.
- 6) ☒ Claim(s) 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/2/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This application has been examined. The Amendment filed 3/2/05 has been entered. Per applicant request, claims 1, 10, 12, and 21 have been cancelled.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Torres et al (6738075) and Abram et al (6462778) and Murphy et al (6282362).

4. Regarding claim 24, Torres et al show a system for producing a digital image for display (abstract, column 1 lines 30-40, column 2 lines 42-50), including: a position information receiver for receiving information corresponding to the captured image (column 8 lines 22-30, column 7 lines 50-60), an image capture location icon generator for converting the information into perceivable image capture location icons each comprising an image representing the information about the captured image (Figure 4A, 4B, column 7 lines 45-67), and generating a display comprising the captured digital image and a capture location iconic region having the image capture location icons (Figure 4A elements 304

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and 306, Figures 7-8, column 8 lines 1-15). Torres et al do not specifically show that the information is position information corresponding to a geographical location where the image was captured, but do mention a variety of information describing the circumstances about which the image was captured (i.e. time, Figures 4B, 21, column 7 lines 1-11), for convenient association of information for identifying and categorizing the images. Furthermore, Abram et al receive position information corresponding to a geographic location where a digital image is captured and associates it with the captured image, for convenient association of information for identifying and categorizing the captured images (Figures 8-9, column 6 lines 13-50). It would have been obvious to a person with ordinary skill in the art to have the information in Torres et al include geographic position information, because it would be a convenient way of associating information for identifying and categorizing the captured images. Neither Torres et al nor Abram et al go into the details that a capture location icon is linked to another capture location icon so that activation of one causes a different one to be presented in the iconic region, and with each image of each icon representing a different level of specificity of information about the geographical location, but the combination of Torres et al and Abram et al do suggest a variety of detailed information describing the circumstances about which the image was captured including geographical position information, to identify and categorize the captured images. Furthermore, Murphy et al do show an iconic region with different levels of geographic specificity being represented by different icon images to help identify and categorize captured images (Figure 1, column 6 lines 37-47, column 9 lines

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45-61, column 10 lines 5-45). The icon images are linked to each other so that activation of one causes a different one to be presented (column 10 lines 25-60, column 11 lines 25-40, note also the map to icon link which also demonstrates the levels of geographic specificity). It would have been obvious to a person with ordinary skill in the art to have this in the system suggested by Torres et al and Abram et al, because it would provide a convenient way to help identify and categorize captured images geographically.

5. Claims 2-9, 11, 13-20, 22-23 are allowable over the prior art of record. The specific capture location iconic region having the plurality of *hierarchically layered* image capture location icons arranged according to geographic specificity, in the context of the claims, with linking and web site icon features, are not set forth in the prior art of record. The fact that all the icons are hierarchically layered in the geographic specificity distinguishes over the more generally linked icons of Murphy et al for example.

6. Applicant's arguments with respect to claim 24 have been considered but are moot in view of the new ground(s) of rejection. But note that claims 2-9, 11, 13-20, 22-23 are allowable over the prior art of record. Applicant's representative is invited to contact Examiner to discuss possible ways to place application into condition for allowance.

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7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

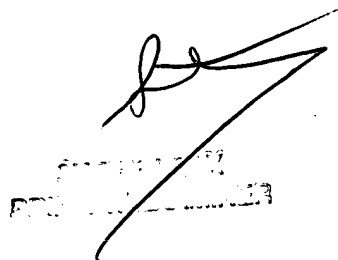
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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